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FILED

JUN 03 2019

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Mark C. McCartl, Clerk
U.S. DISTRICT COURT

United States District Court		District: Northern District of Oklahoma	
Name (under which you were convicted): Jesse William Holland		Docket or Case No.: 19-CV-246-GKF-FHM	
Place of Confinement: Lawton Correctional facility		Prisoner No.: 404882	
Petitioner (include the name under which you were convicted) Jesse William Holland		Respondent (authorized person having custody of petitioner) Joe Allbaugh	
The Attorney General of the State of:			

Amended
PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Tulsa District Court
500 S Denver Ave
Tulsa OK 74103

- (b) Criminal docket or case number (if you know): CF-2016-5318

2. (a) Date of the judgment of conviction (if you know): June 16 2017

- (b) Date of sentencing: June 16 2017

3. Length of sentence: 77 yrs

4. In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

Trafficking 51 yrs
Acquiring proceeds from Drug Activity 12 yrs
Possession of Controlled drug w/o Tax Stamp 4 yrs
Falsely Impersonate another to create Liability 10 yrs

6. (a) What was your plea? (Check one)

☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

☐ Mail ☐ No Cert Svc ☐ No Orig Sign
☐ C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env
☐ No Cpy's ☒ No Env/Cpy's ☐ O/J ☐ O/MJ

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? N/A

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: District Court of Tulsa

(b) Docket or case number (if you know): CF 2016-5318

(c) Result: Denied

(d) Date of result (if you know): Sept. 27 2018

(e) Citation to the case (if you know):

(f) Grounds raised: Prop. I Prosecutorial misconduct.

Prop III Trial Council failed to subject the states case to meaningful Adversarial Testing. / Prop II Court plainly errored By allowing officer testimony about appellants unwarned, incriminating custodial statements / IV Trial Councils unreasonable errors prejudiced appellant and precluded effective counsel assistance / Trial council abused its discretion when ordered appellants sentences to be served consecutively ->

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: Western District

(2) Docket or case number (if you know): 19-CV-317R

(3) Result: Transferred to Northern District

(4) Date of result (if you know):

IV The court lacked Jurisdiction to Impose the Count 2-4 Based on the conviction Reflections In the Judgment and sentence Documents.

VII Culmulative Errors Deprived Appellant of fair Proceedings and A Reliable outcome.

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

N/A

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

N/A

(2) Docket or case number (if you know): _____

N/A

(3) Date of filing (if you know): _____

N/A

(4) Nature of the proceeding: _____

N/A

(5) Grounds raised: _____

N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result: _____

N/A

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: N/A

(8) Date of result (if you know): N/A

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes

☒ No

(2) Second petition: ☐ Yes

☒ No

(3) Third petition: ☐ Yes

☒ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

NY/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Prosecutorial misconduct Deprived Appellant
OF H's Due process to A fair trial.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): See Attached Brief

Assistant District Attorney Shields Improperly emphasized
His own military Background causing the Jury to sympathize
and Identify with the prosecution.

B-Prosecution Initially elicited Improper testimony from
from states witness. DA Shields said I want to Ask you
Specifically about the defendant. Is He a drug Dealer
Officer Montgomery said yes. →

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

C. The prosecution's first-stage closing Arguments disparaged the presumption of Innocence and attempted to shift the States Burden.
~~Prosecution~~ Prosecution stated: this is not going to be Hard. This is ~~not~~ not difficult. Punishment is not before you at this time - The Hardest Decision you have at this point is figuring out who your fore person is going to be because all the evidence points to one thing. That he is incredibly guilty Individual. We will see you in about 15 min.

D states Inflammatory Comments during second stage closing arguments led to an excessive sentence.

Make sure whatever punishment that you decide keeps him locked down for the rest of his life. Pick a number, whatever number you want. you can pick 1000 years if you want.

E The states Unmistakable Reference to pardon and Parole Policies led to an excessive sentence.

The state admitted a Doc pack showing the appellant had been convicted of 6 prior felonies, and received the following sentences
Ottawa Co. 20 yrs. ~~with~~ split 8 in 12 out CF-2010-348
Ottawa Co. 20 yrs split 8 in 12 out CF 2010-348
Pottawatomie Co 2 yrs Doc By Private Contractor CF 2003-125
Pottawatomie Co. 3 yrs Doc CF 2001-331
Pottawatomie Co 3 yrs Doc CF 2001-268
Pottawatomie Co 1 yrs Doc CF 2001-266.

Prosecution's stated that defendant had been sentenced to 49 yrs and Hes still here
Mrs Heberg Lets do the minimum 27 yrs well you notice that he has already had a couple of 20 yr sentences and Hes right there
therefore Prosecution mistated the law and Improperly ridiculed defense counsel.

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes

☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes

☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes

☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes

☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:
N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: N/A

GROUND TWO:

appellant's unwarned, incriminating custodial statement. The statement was key to Mr Holland's
Count 2 conviction
(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): See Attached Brief
When Officer Montgomery had the appellant in Jail During the Book
in process He asked appellant about His employment appellant
Indicated He Had no Job. Montgomery testified that this was
Significant in Identifying the \$1190.00 as narcotics proceeds.
The record does not Indicate that Mr Holland was ever
read His rights

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two :

GROUND THREE:

Trial Council failed to subject the states case to meaningful Adversarial

Testing. Appellant's constitutional right to counsel was compromised to the extent that Prejudice should be presumed.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Brief

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: District Court

OF TULSA

Docket or case number (if you know): _____

Date of the court's decision: Sep 27 2018

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: N/A

GROUND FOUR:

Alternatively, Trial Courts' Unreasonable Errors Prejudiced Appellants and Precluded Effective Assistance

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Brief - Attorneys Did not Bring up the 21.4 gram Difference in weight. Was 71.4 grams the weight 65.5 grams then 51 grams. Set forth in Proposition II Mr Holland's unwarned State meat about Being Jobless was Improperly admitted at trial.

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Council failed to object several unseemly prosecutorial statements. ~~in~~

① Improper statements about military career

② In guilt stage ~~attorney District Attorney~~
Council did not object to the states inappropriate arguments trivializing the guilt stage and attempting to shift Burden of Proof.

③ Council did not object to the states improper arguments to send him a message pick 1000 years. If you want. Stop this career criminal.

④ Regarding the states misstatement of Law that a finding of guilt after 2 or more prior convictions was required on all counts if the Jury found similar on any count.
Mrs Attorneys correctly objected initially But Interposed no objection to prosecutors argument Immediately there after.

This constitutes ineffective assistance of counsel
There is little doubt that states inappropriate second stage arguments influence the Jury Had trial council objected to these comments There is reasonable probability that Appellant would not have received an aggregate 78 year sentence.

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes

☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes

☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

N/A

GROUND FIVE: The Trial Court abused its Discretion
When It ordered Appellants Sentences
To Be served consecutively

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Brief attached - Trial Courts Decision to
Run Sentences consecutively for an abuse of
Discretion.

(b) If you did not exhaust your state remedies on Ground Five, explain why:

(c) **Direct Appeal of Ground Five:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ' ☒ Yes ' No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

' Yes ' ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion or petition?

Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

Yes

☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes

No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Tulsa District Court,
Court of Criminal Appeals

Docket or case number (if you know):

Date of the court's decision:

9-27-18

Result (attach a copy of the court's opinion or order, if available):

Denied

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Five:

~~Appeal~~

State Appeal to Court of Criminal Appeals

Ground Six: The Court lacked Jurisdiction to
Impose the Count 2-4 Sentences Based on the
convictions Reflected Judgment and Sentence
documents.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Brief - Judgment and Sentences
were ordered Incorrectly on Counts 2-4 and
~~they~~ if not amended require modification.

(b) If you did not exhaust your state remedies on Ground Six, explain why:

N/A

(c) **Direct Appeal of Ground Six:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes

No

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes

No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes

No

(4) Did you appeal from the denial of your motion or petition?

Yes

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes

No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Six:

Ground Seven: Cumulative Errors Deprived Appellant
of a fair proceeding and a reliable outcome

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The errors in this case taken together
Deprived appellant of a fair trial

(b) If you did not exhaust your state remedies on Ground Seven explain why:

N/A

(c) **Direct Appeal of Ground Seven:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes

No

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes

No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion or petition?

Yes

No

(4) Did you appeal from the denial of your motion or petition?

Yes

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes

No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Seven:

N/A

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

N/A

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

Western district. it was transferred to northern District.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Beverly Atteberry Tulsa OK

(b) At arraignment and plea: Beverly Atteberry Tulsa OK

(c) At trial: Beverly Atteberry Tulsa OK

(d) At sentencing: Beverly Atteberry Tulsa OK

(e) On appeal: Chad Johnson OIDS Norman OK

(f) In any post-conviction proceeding: N/A

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

N/A

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

Craig Co. Judicial Court Vinita OK
7 yrs.

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: 7 yrs

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
- (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
- (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

Appellant respectfully
requests that the Judgment and sentence of District
court be reversed and the case be remanded for a new
or any other relief to which petitioner may be entitled. Trial. In the Alternative, Appellant
asks that sentence be favorably modified.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 5-28-19 (month, date, year).

Executed (signed) on 5-26-19 (date).

Jose Adellon

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

**Petition for Relief From a Conviction or Sentence
By a Person in State Custody**

(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)

Instructions

1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.
2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
6. You must pay a fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may file a motion to proceed in forma pauperis (as a poor person) using the appropriate form available from the Clerk of Court. You will be required to submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If the balance in your account(s) exceeds \$15.00, you must pay the filing fee.
7. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.
8. When you have completed the form, send the original to the Clerk of the United States District Court at this address:

Clerk of Court
United States District Court
333 West Fourth Street, Room 411
Tulsa, OK 74103
9. The court does not require additional copies of any filings. To receive a file-stamped copy of the motion by return mail, you must send a copy of the motion, along with a self-addressed envelope with sufficient postage affixed for return of the copy to you.
10. **CAUTION:** You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
11. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

Jesse Holland
404882 S.E. B 201 LCF
8607 SE Flower mound Rd
Lawton OK 73501



RECEIVED

JUN 03 2019

Mark C. McCart, Clerk
U.S. DISTRICT COURT

Clerk, United States District Court
Northern District of Oklahoma
333 West Fourth Street, Room 411
Tulsa OK, 74103-3819

MAY 31 2019

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This correspondence is from an inmate under the custody
of the Oklahoma Department of Corrections GEOIDCF
For specific information about the inmate under the custody
etc., refer to our website at www.okdcorrections.gov
Click on the "Offender" link at www.okdcorrections.gov and then the "Offender
Lookup" link or contact the Oklahoma Department of Corrections
at 505-351-2772. Offender
information is not available for the substance
of contact. Offender information may be returned to
the facility head at GEOIDCF.